

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

VS.

Christian De Colli,

Defendant.

Civil Action No. 1:08cv04520-PAC

Related Case No. 1:08cv06609-PAC

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION’S MOTION
TO ESTABLISH FAIR FUND, APPROVE
DISTRIBUTION PLAN, AND ESTABLISH NOTICE PROCEDURES**

Plaintiff Securities and Exchange Commission (“Commission” or SEC”) respectfully moves this Court for an Order (i) establishing a Fair Fund under the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended [15 U.S.C. §7246(a)]; (ii) approving the Commission’s plan to distribute the Fair Fund submitted herewith (attached as Exhibit A to the SEC’s Memorandum of Law); and (iii) establishing notice procedures as set forth in the proposed Distribution Plan.

This Motion is supported by the accompanying Memorandum of Law, the proposed Distribution Plan and the Declaration of Stuart Jackson (attached as Exhibit B to the SEC’s Memorandum of Law).

WHEREFORE, the Commission respectfully requests that this Court enter the proposed Order and grant such relief as the Court deems just and proper.

Dated: September 17, 2013

Washington, DC

Respectfully submitted,

s/ Nichola L. Timmons
Nichola L. Timmons
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 17, 2013, I mailed the foregoing Plaintiff Securities and Exchange Commission's Motion to Establish Fair Fund, Approve Distribution Plan, and Establish Notice Procedures, Memorandum in Support thereof, and proposed Order via U.S. first class mail to:

Cristian De Colli
Via A. Balabanoff, 63
Rome, 00155
Italy

s/ Nichola L. Timmons
Nichola L. Timmons